

REMARKS

Claims 1, 3, 4, 6-8, and 10-26 are all of the pending claims. Claims 4, 11, 13, 14, and 16-21 are withdrawn from consideration. Of the examined claims, claims 1 and 10 are independent.

Allowable Subject Matter

The Examiner has indicated that claims 25 and 26 would be allowable if rewritten in independent from including all of the recitations of the base claim and any intervening claims. Applicants hold in abeyance the rewriting of claims 25 and 26 until the Examiner has had the chance to consider the remarks below.

In addition, Applicants have amended claim 25 so that it depends from proposed, amended claim 1 instead of claim 23.

Claim Rejections Under 35 U.S.C. § 102 and §103

Claims 1, 3, 6, and 7 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by *newly cited* Wakai et al. (US 4,442,493). Claims 10 and 12 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Wakai. Claims 22-24 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Wakai in view *previously cited* Kiyohara et al. (US 6,302,602).

Applicants have added all of the recitations of dependent claim 22 to independent claim 1. Applicant's respectfully traverse the rejection of this claim.

With respect to previously presented dependent claim 22 (amended claim 1), it is the Examiner's position that it would have been obvious for one of ordinary skill to modify the

machine tool of Wakai by replacing the tool 1 for cutting a workpiece 2 (*See* Wakai at Fig. 12) with Kiyohara's blade 42 and platen 90 (with groove 92).

Specifically, it is the Examiner's position that Kiyohara's blade 42 corresponds to the recited movable blade and that Kiyohara's platen 90 corresponds to the fixed blade. However, even assuming *arguendo* that Kiyohara's platen corresponds to a blade, Applicants see no teaching or suggestion for one skilled in the art to select some features from Kiyohara's apparatus for cutting a recording medium and add them to Wakai's machine tool. To the contrary, the skilled artisan would adopt the entire structure of Kiyohara if they intended to cut a recording medium.

For example, Wakai's machine tool is designed for use in an environment of heavy wear in which the exchange of a worn out cutting is occurs quite often. In fact, Wakai's machine tool has a tool exchange unit 16 that allows *automatic* changing of the tool. *See* Wakai at Fig. 7.

In contrast, a cutter of a recording medium, such as that disclosed in Kiyohara is used in an environment of lighter wear. For example, the Specification of this application teaches that the motor current of the cutter motor does not increase due to wear until about 120,000 sheets are cut. *See* Specification at page 13.

In view of the fact that there is no evidence of record that suggests using Wakai's machine tool detection system in an environment of less wear, Applicants respectfully request that the Examiner withdrawn the rejection of independent claim 1.

Applicants also respectfully request that the Examiner allow dependent claims 3, 6, 7, 23, and 24 at least because of their dependency from claim 1.

Finally, with respect to independent method claim 10, the claim has been amended in a manner similar to proposed, amended claim 1.

Applicants respectfully request the Examiner to withdraw the rejection of independent claim 10 for the reasons discussed above with respect to proposed, amended claim 1. Applicants also respectfully request that the Examiner allow dependent claim 11 at least because of its dependency from claim 10.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

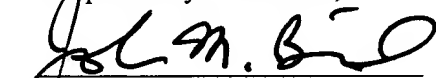
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